

**5. Company End-to-End Testing Efforts**

BellSouth developed a project effort to implement centers systems and process to support LNP and LNP intra-company testing. The details of this effort, the completed milestones, and future plans are set forth on the attached affidavit of Nancy Smith. Between May 31 and October 31, 1997, thirteen specific project milestones were completed, with test results set out on the Smith Affidavit.

**6. LNP Gateway Application**

BellSouth's long-established and ongoing LNP Gateway Application project (Gateway LSMS) developed software to interface with the original NPAC SMS database. The details of the project and the completion dates are set forth in the attached affidavit of Allena Kendrick; of the ten major functional areas in the contract the majority were available prior to the start of the Phase I implementation period, all were completed prior to year-end 1997, while integration and interoperability testing of Phase I Functionality began May 1, 1997 and continues.

***Element Three: The Particular BellSouth Switches For Which An Extension is Requested Are Identified By State, MSA, Wire Center and CLLI***

Attached to the Donze Affidavit is a spreadsheet listing each particular switch identified by Common Language Location Identifier ("CLLI") code, wire center, MSA and state. The accuracy of these lists are attested and verified in the attached Affidavit of Michael Donze.

***Element Four: Based on Current Knowledge, BellSouth Will Complete LNP Deployment in Affected Switches Within 182 Days of Intercompany Testing***

In the *First Order on Reconsideration*, the Commission extended its original deadlines for completion of deployment of long-term number portability for Phases I and II because:

[W]e are now persuaded that initial implementation of this new number portability technology is likely to require more time than subsequent deployment once the technology has been thoroughly tested and used in a live environment.

For example, initial implementation of this new technology is likely to involve more extensive testing, and may require extra time to resolve any problems that may arise during the testing. It therefore is appropriate that Phase I be longer than subsequent phases in the schedule to allow carriers to take appropriate steps to safeguard network reliability.<sup>41</sup>

Nothing has occurred since the *First Order on Reconsideration* to alter the basic principle that phased implementation is the most rational approach to implementing number portability.

BellSouth recognizes, however, that in light of the delay in NPAC SMS delivery, the current implementation intervals will need to be compressed in order to implement LNP as quickly as possible. As set forth above, BellSouth has, and will continue, to deploy all network elements and operations necessary for LNP within its own network that are in its control pursuant to the Commission's original schedule. In BellSouth's case, however, the transition from the former LNPA to the new LNPA has created a condition in which BellSouth must perform a significant amount of upfront work in order to align its operational systems, previously built to the former LNPA's NPAC specifications, to the specifications of the new LNPA. McDougal Affidavit, ¶¶ 5, 6. The former LNPA's NPAC was built to NANC specification 1.1. The new LNPA's NPAC is built to NANC specification 1.8, a full seven software releases beyond the NPAC that was to have been delivered by the former LNPA. McDougal Affidavit at ¶ 5. Consequently, BellSouth must upgrade its LNP Gateway to NANC 1.8, as well as develop its AIN SMS to NANC 1.8. A minimum of thirty-five (35) weeks is required to perform the systems engineering, software development and testing activities required to perform these changes. McDougal Affidavit, timeline. BellSouth has begun the work required, and will be

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<sup>41</sup> *First Order on Reconsideration* at ¶ 78.

arduously working on these functions even as the Commission considers this petition.

McDougal Affidavit at ¶ 6.

The current LNPA has indicated that it can deliver a commercially acceptable NPAC SMS by May 11, 1998. BellSouth believes that by rigorous adherence to parallel process planning and commitment to overtime resources, it can complete the required systems engineering software development and testing activities necessitated by the transition to the new LNPA in time to certify the NPAC SMS on September 1, 1998. Following this certification, a period of 30 days of intercompany end-to-end testing is required in order to assure NPAC SMS and carrier SMS interoperability, as well as conformance with NANC recommended and FCC approved LNP performance criteria. At the end of the 30 day inter-carrier testing period, BellSouth proposes to implement number portability within the applicable MSAs in the Southeast region according to the Commission's original phased implementation sequence but at greatly reduced intervals. McDougal affidavit.

***Element Five: BellSouth's Proposed Schedule for Meeting the LNP Implementation Requirement, Together with Milestones***

BellSouth requests that the Commission extend the implementation period for all phases until March 31, 1999. This date was calculated in using September 1, 1998 as the earliest reasonable date for BellSouth to complete NPAC SMS post-delivery production ready sequencing. Based on current information, the revised deployment schedule in the Southeast Region would be modified as follows:

Phase I	Phase II	Phase III	Phase IV	Phase V
Orig.: 182 days	Orig.: 135 days	Orig.: 91 days	Orig.: 92 days	Orig.: 92 days
10/1/97-3/31/98	1/1/98-5/15/98	4/1/98-6/30/98	7/1/98-9/30/98	10/1/98-12/31/98
Now: 45 days	Now: 47 days	Now: 30 days	Now: 30 days	Now: 30 days
10/1/98-11/14/98	11/15/98-12/31/98	1/1/99-1/30/99	1/31/99-3/1/99	3/2/99-3/31/99
Atlanta	Miami Ft. Lauderdale Orlando Tampa	New Orleans Charlotte Greensboro Nashville	Memphis Louisville Jacksonville Raleigh W. Palm Beach Greenville	Birmingham Knoxville Baton Rouge Charleston Mobile Columbia

**Assumptions:**

- (1) February 20, 1998 - August 31, 1998 BellSouth incremental work effort to reengineer operational systems to new NPAC SMS specifications
- (2) NPAC SMS Delivery prior to September 1, 1998
- (3) September 1, 1998 Post-delivery production ready sequencing completed
- (4) September 1 - September 30, 1998 Inter-Company End-to-End Testing

The net effect, a 90 day extension in the overall implementation schedule, is reasonable

considering the anticipated seven month delay in NPAC delivery and the large number of MSAs

in Region 4,<sup>42</sup> and is well within the nine month period which the Chief of the Common Carrier

Bureau may, on delegated authority of the Commission, waive or stay any of the dates of the

implementation schedule as the Chief may determine is necessary in order to ensure the efficient

<sup>42</sup> By contrast, there are 10 MSAs in the Region 1 (Western) NPAC and 15 MSAs in the Region 2 (West Coast) NPAC.

development of number portability.<sup>43</sup> BellSouth further requests that there be a corresponding extension of time for requests for LNP outside the Phase I - V MSAs until April 1, 1999.

Currently, under the Commission's rules, such requests are authorized to begin on January 1, 1999, based on a Phase V final completion of LNP implementation on December 31, 1998. 47 C.F.R. § 52.23(c). BellSouth has prepared a list of milestones covering BellSouth operational systems reengineering, NPAC certification and subsequent LNP deployment. Exhibit C.

BellSouth will continue to provide monthly reports to the Southeast Region L.L.C., the NANC LNP Working Group and the FCC.

**2. BELLSOUTH HAS DEMONSTRATED THE NECESSITY OF A WAIVER OF CURRENT LNP IMPLEMENTATION DATES IN ORDER TO ENSURE THE EFFICIENT DEVELOPMENT OF NUMBER PORTABILITY**

Under Section 52.23(d) of the Commission's rules, the Chief of the Common Carrier Bureau may waive or stay any of the dates of the LNP implementation schedule as the Chief determines is necessary to ensure the efficient development of number portability for a period not to exceed 9 months.<sup>44</sup> The Commission has established a special process by which LECs may request an extension of time to implement LNP, and defined the standards under which such petitions may be granted by the Chief.<sup>45</sup> As shown above, BellSouth in this petition has

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<sup>43</sup> 47 C.F.R. § 52.23(d). Under BellSouth's proposed schedule, implementation of LNP in Phase I MSAs would be delayed by seven and a half months; Phase II MSAs by seven and a half months; Phase III MSAs by seven months; Phase IV MSAs by five months; and Phase V MSAs by three months. LNP implementation would be complete by March 31, 1999; the Chief has express delegated authority to waive or stay any of the dates in the implementation schedule no later than September 30, 1999. *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> 47 C.F.R. § 52.23(e).

submitted a timely request for extension that sets forth each of the five required elements supported by substantial credible evidence. Having done so, BellSouth has met its burden of demonstrating the necessity of a limited waiver of the current dates in the implementation schedule for the Southeast region in order to ensure the efficient development of number portability.<sup>46</sup>

In addition to satisfying its burden under the special procedures established by the Commission to obtain a limited waiver of the LNP implementation schedule, BellSouth has established good cause under the Commission's general standard for granting waivers of any of its rules. Under Section 1.3 of the Commission's rules, the Commission may exercise its discretion to waive a rule where there is "good cause" to do so.<sup>47</sup> The Commission has articulated, in its number portability rules, a general standard for waivers of the implementation schedule that satisfies the requirements of *WAIT Radio*<sup>48</sup> and *Northeast Cellular*,<sup>49</sup> and BellSouth has complied with those standards. Even without those standards, BellSouth has demonstrated the special circumstances meriting a waiver of the current dates in the LNP implementation schedule for the Southeast Region.

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<sup>46</sup> 47 C.F.R. § 52.23(d).

<sup>47</sup> 47 C.F.R. § 1.3, *Pennsylvania Public Utility Commission Petition for Expedited Waiver of 47 C.F.R. Section 52.19 For Area Code 412 Relief*, CC Docket No. 96-98, DA 97-675 (rel. April 4, 1997) ¶ 14.

<sup>48</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

<sup>49</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

The Bureau's recent *CIC Waiver Orders* are instructive.<sup>50</sup> In the *First CIC Waiver Order*, the Chief evaluated each petition for waiver of the implementation deadline for three digit to four digit carrier identification code (CIC) conversion weighing, among other factors, the LEC's diligence in upgrading its switches and the availability from manufacturers of products required to accomplish the upgrade.<sup>51</sup> BellSouth has provided with this petition, consistent with the special requirements of Section 52.23(e)(2), a detailed explanation of the activities that the carrier has undertaken to meet the implementation schedule prior to requesting an extension of time. BellSouth has demonstrated that it has completed non-NPAC SMS related LNP implementation efforts to achieve operational readiness to implement LNP in Phase I MSAs and Phase II MSAs pursuant to the Commission's schedule. See Kendrick, Donze, Eatherley, Smith and Craig Affidavits, attached. Moreover, BellSouth has begun an aggressive work effort to upgrade the operational support systems which it previously designed to meet the Perot Systems NPAC SMS specifications in order that these systems will operate with the Lockheed Martin NPAC SMS. McDougal Affidavit at ¶ 6. This effort demonstrates the requisite "diligence" in

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<sup>50</sup> *First CIC Waiver Order* at ¶ 17; *Cuba City Telephone Exchange Company, et al., Petitions for Waiver of the Four-Digit Carrier Identification Code (CIC) Implementation Schedule*, NSD File Nos. 97-52, 97-58, 97-57, 97-62, 97-61, Order, DA 97-2614 (December 14, 1997) (*Second CIC Waiver Order*); *Roosevelt County Rural Telephone Cooperative, Inc., et al., Petitions for Waiver of the Four-Digit Carrier Identification Code (CIC) Implementation Schedule*, NSD File Nos. 97-74, 97-63, 97-78, 97-75, 97-66, 97-67, 97-65, 97-68, 97-73, 97-70, 97-72, 97-76, 97-64, 97-71, 97-69, Order, DA 97-2691 (December 24, 1997) (*Third CIC Waiver Order*); *Frontier Communications of Lakeshore, Inc., et al., Petitions for Waiver of the Four-Digit Carrier Identification Code (CIC) Implementation Schedule*, NSD File Nos. 97-80, 97-81, 97-82, 97-83, 97-84, 97-86, Order DA 97-2717 (December 31, 1997) (*Fourth CIC Waiver Order*); *MoKan Dial, Inc., Petitions for Waiver of the Four-Digit Carrier Identification Code (CIC) Implementation Schedule*, NSD File No. 97-87, Order DA 98-29 (January 8, 1998) (*MoKan CIC Waiver Order*) (collectively *CIC Waiver Orders*).

implementing the changes required in BellSouth's network in order to implement LNP. But for the failure of the LNPA to provide a stable regional NPAC SMS database as of the date of this petition, BellSouth would not have been constrained to seek a waiver of the current implementation dates.

Second, it cannot be disputed that the regional NPAC SMS database is the keystone of the Commission's LNP architecture, and that the regional NPAC SMS database has not been provided by third party hardware and software vendors.<sup>52</sup> In the *First CIC Waiver Order*, the Chief determined that where one vendor notified a LEC that it would not provide the software upgrades necessary to implement four-digit CIC capability, forcing the LEC to select, purchase and deploy a new switch, and where other LECs were unable to obtain the product necessary to upgrade its switches, in one instance because the manufacturer was "overwhelmed with upgrade requests," the affected LECs had "demonstrated that the product needed to accomplish the upgrade to their individual networks is not readily available from switch manufacturers, which has delayed their ability to meet the January 1, 1998 conversion deadline."<sup>53</sup> In the *Second CIC Waiver Order* the Chief concluded that where LECs received the equipment necessary to upgrade to four-digit CICs, but where the equipment manufacturer is overwhelmed with upgrade requests, installation would be delayed and the product need to accomplish the upgrade to individual networks is "effectively 'unavailable.'"<sup>54</sup> By any standard, the complete absence of the keystone

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<sup>51</sup> *First CIC Waiver Order* at ¶ 15; accord *Second CIC Waiver Order* at ¶ 15; *Third CIC Waiver Order* at ¶ 28; *Fourth CIC Waiver Order* at ¶ 18; *MoKan CIC Waiver Order* at ¶ 5.

<sup>52</sup> See LLC Letter, *passim*.

<sup>53</sup> *First CIC Waiver Order* at ¶ 17.

<sup>54</sup> *Second CIC Waiver Order* at ¶ 17.



to the Commission's LNP architecture, the regional NPAC SMS database, due to the inability of the LNPA to provide the database to all affected LECs within the Southeast region, constitutes a conclusive demonstration that the product needed to accomplish number portability is neither "readily" nor "effectively" available.<sup>55</sup>

Moreover, even if the new LNPA delivers an NPAC SMS database for the Southeast region on May 11, 1998, such product availability does not mean that the database will be effectively available to BellSouth. While the *First CIC Waiver Order* was granted to LECs who demonstrated the absolute unavailability of a hardware or software product, subsequent Bureau Orders articulated the principle that special circumstances may render an otherwise available product as "effectively unavailable."<sup>56</sup> These circumstances include "unanticipated engineering complexities,"<sup>57</sup> "additional costs,"<sup>58</sup> and "malfunction risks."<sup>59</sup> As detailed above, and in the attached affidavit of Douglas W. McDougal, as a result of the "unanticipated engineering complexities" presented by the 11th hour change in NPAC SMS vendors and NPAC specifications, BellSouth will have to undertake an extraordinary internal operational system incremental work effort in order to upgrade the operational systems currently designed to the

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<sup>55</sup> See also *Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation Petitions Pertaining to Originating Line Screening Services*, CC Docket No. 91-35; CCB/CPD File Nos. 96-18, 96-25, 96-32, (December 7, 1996), at ¶ 7; CCB/CPD File No. 96-18, (July 31, 1997) at ¶¶ 5, 7 (vendor delays, including system/software problems identified during on-line testing, constitute good cause to support an extension of time).

<sup>56</sup> *Id.*

<sup>57</sup> *Third CIC Waiver Order* at ¶ 30.

<sup>58</sup> *Third CIC Waiver Order* at ¶ 30; *Fourth CIC Waiver Order* at ¶ 19; *MoKan CIC Waiver Order* at ¶ 7.

<sup>59</sup> *MoKan CIC Waiver Order* at ¶ 7.

Perot Systems NPAC specifications to the Lockheed Martin NPAC SMS. McDougal Affidavit at ¶¶ 5, 6. This thirty-five week work effort, already underway, is absolutely necessary to prevent “malfunction risks,” McDougal Affidavit at ¶ 7, and may extend beyond the actual delivery of the new Lockheed Martin NPAC SMS. Until BellSouth’s operational systems, most importantly the LNP Gateway and the BellSouth AIN SMS, are upgraded to conform with the Lockheed NPAC SMS, any such NPAC SMS actually delivered will not be effectively available to BellSouth.<sup>60</sup>

Having established that, notwithstanding its own diligence in implementing LNP within its own network according to the Commission’s current schedule, BellSouth cannot timely implement number portability in the Southeast Region because of both the current unavailability of the regional NPAC SMS database promised by the former LNPA and the projected future availability of a regional NPAC SMS provided by the new LNPA built to different specifications,<sup>61</sup> and having met the procedural burden established by the Commission for Requests for Extension of Time under Section 52.23(e) of its rules, BellSouth has demonstrated the requisite good cause to justify both an extension of time to implement and a waiver of the Commission’s implementation schedule. Additional special circumstances further warrant the grant of the instant petition. The relief requested by BellSouth is specific to BellSouth and is limited to BellSouth LEC, ALEC and CLEC operations within the Southeast NPAC Region. It does not affect any other LECs’ obligations in any other NPAC Region. The hardship imposed

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<sup>60</sup> *Third CIC Waiver Order* at ¶ 30; *Fourth CIC Waiver Order* at ¶ 19; *MoKan CIC Waiver Order* at ¶ 7.

<sup>61</sup> *See CIC Waiver Orders, passim.*

by enforcement of the current rule is straightforward: absent relief, it is simply impossible, let alone technically feasible, for BellSouth to comply with the Commission's current implementation schedule in light of the complete lack of a Region 4 NPAC SMS database.

BellSouth has also demonstrated good cause to extend the implementation schedule on a phased interval basis for a period of three months. Overall, BellSouth's proposal reduces the Commission's original LNP implementation schedule by 275 days. Specifically, BellSouth proposes to reduce the 182 day implementation interval for Phase I MSAs by 75% to 45 days,<sup>62</sup> reduce the 135 day implementation interval for Phase II MSAs by 65% to 47 days,<sup>63</sup> and reduce the current 91, 92 and 92 day implementation intervals for Phase III,<sup>64</sup> Phase IV,<sup>65</sup> and Phase V<sup>66</sup> MSAs, respectively, by over by 66% to 30 days. This will allow for completion of Phase V MSAs by March 31, 1999, a mere 90 day extension of the original implementation schedule set by this Commission in 1996. In light of the seven month delay in delivery of a commercially viable NPAC SMS database, the amount of upfront engineering and software change work that must be performed in the BellSouth network in order to accommodate the transition to the new LNPA, BellSouth's commitment to reduce the overall implementation interval from 457 days to 182 days (coincidentally, the length of the Commission's original Phase I implementation

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<sup>62</sup> Atlanta is the only Phase I MSA in the Southeast Region.

<sup>63</sup> Miami, Fort Lauderdale, Orlando and Tampa are the Phase II MSAs in the Southeast Region.

<sup>64</sup> New Orleans, Charlotte, Greensboro and Nashville are the Phase III MSAs in the Southeast Region.

<sup>65</sup> Memphis, Louisville, Jacksonville, Raleigh, West Palm Beach and Greenville are the Phase IV MSAs in the Southeast Region.

<sup>66</sup> Birmingham, Knoxville, Baton Rouge, Charleston, Mobile and Columbia are the Phase V MSAs in the Southeast Region.

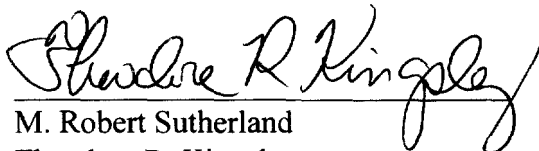
interval), the fact that the Southeast Region contains more MSAs than any other region affected by the original LNPA's failure to deliver an NPAC SMS database, and the Bureau's delegated authority to grant an extension of the implementation schedule for a period of nine months, the requested extension of three months is patently reasonable.

### CONCLUSION

The Chief, Common Carrier, should find that BellSouth's Request For Extension of Time complies fully with the Commission's requirements therefor and, good cause being shown, grant an extension of the Commission's LNP implementation schedule in the Southeast Region. The requirements of 47 C.F.R. § 52.23(c) should be waived until completion of Phase V LNP implementation in the Southeast Region.

Respectfully submitted,

BELLSOUTH CORPORATION

A handwritten signature in cursive script, reading "Theodore R. Kingsley", written over a horizontal line.

M. Robert Sutherland  
Theodore R. Kingsley

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Date: March 2, 1998

**EXHIBIT A**

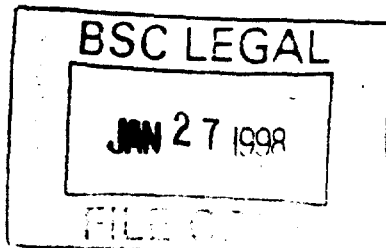
Letter from Richard Scheer, Chair, West Coast Portability Services, LLC to A. Richard Metzger, Chief, Common Carrier Bureau (January 23, 1998).

## **EXHIBIT A**

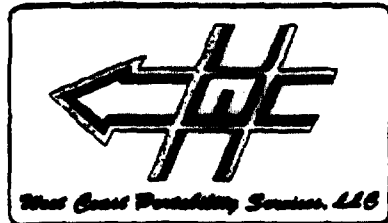
Letter from Richard Scheer, Chair, West Coast Portability Services, LLC to A. Richard Metzger, Chief, Common Carrier Bureau (January 23, 1998).

## **EXHIBIT A**

Letter from Richard Scheer, Chair, West Coast Portability Services, LLC to A. Richard Metzger, Chief, Common Carrier Bureau (January 23, 1998).



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## West Coast Portability Services, LLC

Richard Scheer, Chair  
795 Folsom St. Room 285  
San Francisco, CA 94107

January 23, 1998

Mr. A. Richard Metzger  
Chief, Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554

Re: CC Docket 95-116, DA 98-109, Recommendation To Delay Filing of  
47 CFR § 52.3 (E) Waiver Requests by Individual Carriers for Local  
Number Portability Phase 1 Implementation

Deployment of Long-Term Local Number Portability in the Atlanta and  
Los Angeles MSAs

Dear Mr. Metzger:

We are writing on behalf of West Coast Portability Services, LLC and the members thereof<sup>1</sup> and Southeast Region Number Portability Administration Company, LLC and the members thereof<sup>2</sup> (collectively, the Joint LLCs). The members of the Joint LLCs unanimously support the request espoused in this letter.

<sup>1</sup> The members of West Coast Portability Services, LLC are AT&T Corp., Cox California Telecom, Inc., Electric Lightwave, Inc., GTE California Incorporated, MCImetro Access Transmission Services, Inc., MediaOne, Pacific Bell, Sprint United Management Company, Teleport Communications Group, Inc., TCI Telephony Services of California, Inc., Time Warner AxS of California, LP and WorldCom.

<sup>2</sup> The members of Southeast Number Portability Administration Company, LLC are AT&T Corp., BellSouth Telecommunications, Inc., Business Telecom, Inc., GTE Florida Incorporated, MCImetro Access Transmission Services, Inc., MediaOne, Sprint United Management Company and WorldCom.



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Joint LLCs ask that this letter be treated as Comments on the January 21, 1998 North American Numbering Council (NANC) *"Recommendation To Delay Filing of 47 CFR 52.3 (E) Waiver Requests by Individual Carriers for Local Number Portability Phase 1 Implementation"* as described in the Federal Communications Commission (Commission) Public Notice DA 98-109. Joint LLCs understood, based on discussion at the January 20, 1998 NANC meeting that NANC would make such a request through its Chairman, Mr. Alan Hasselwander. Joint LLC members support the NANC Recommendation, for the reasons explained herein.

Consistent with the January 21, 1998 NANC Recommendation, the members of the Joint LLCs hereby unanimously request a change of the time period within which carriers must seek waivers of the Commission's deadline for deployment of long-term local number portability (LNP) in the Atlanta, GA, and Los Angeles, CA Metropolitan Statistical Areas (MSAs). Our request is for a one-time-only modification to the waiver filing period, is limited to these MSAs and relates only to delays in LNP deployment associated with the deferred availability of the Number Portability Administration Center/Service Management System (NPAC/SMS). Thus, individual carriers who seek waivers of the Commission's existing deadlines due to circumstances involving deployment of LNP capability within their own switches or other network elements should do so in accordance with existing waiver filing deadlines.

According to the Commission's LNP implementation schedule, LNP should be available in the seven "Phase 1" MSAs, including Atlanta and Los Angeles, no later than March 31, 1998.<sup>3</sup> The Commission's order requires that carriers seeking a waiver or extension of the deployment date must do so at least 60 days prior to the deployment date, or by January 30, 1998 for the Phase 1 MSAs.<sup>4</sup> Specifically, we ask that, with respect to the Atlanta and Los Angeles MSAs, the Commission extend that deadline until March 1, 1998, i.e., we ask that the 60 day "window" be shortened to 30 days, due to the extraordinary circumstances described below.<sup>5</sup>

<sup>3</sup> First Memorandum Opinion and Order on Reconsideration, *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, Released March 11, 1997, (LNP Reconsideration Order) ¶ 78.

<sup>4</sup> *Id.* ¶ 82 (In order to receive a waiver of the schedule, carriers must "demonstrate, through substantial, credible evidence, at least sixty days before the completion deadline, the extraordinary circumstances beyond their control that leave them unable to comply with the schedule, including 'a detailed explanation of the activities that the carrier has undertaken to meet the implementation schedule prior to requesting an extension of time.'")

<sup>5</sup> The Joint LLCs understand that Western Region Telephone Number Portability, LLC, which selected Perot as the LNPA for the Western Region (which includes Minneapolis among the Phase 1 MSAs), plans to make a similar request. The Joint LLCs believe the relief sought for the Atlanta and Los Angeles MSAs is also appropriate for the Minneapolis MSA.

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Briefly stated, the NPAC/SMS database and associated facilities needed for long-term LNP are not yet ready for Intercompany Testing, which must precede commercial LNP availability in the affected MSAs. The delay is due to the failure of the designated LNP Administrator (LNPA), Perot Systems Corporation (Perot) and its subcontractor Nortel to provide a stable software and hardware platform during Turn-Up Testing and Service Provider (SP) to SP NPAC Testing.<sup>6</sup>

Perot's latest project recovery proposal to the Joint LLCs would extend SP to SP NPAC Testing over six additional software loads through July 6, 1998. On its face, Perot's plan, if accepted by the Joint LLCs, will result in a significant impact to the FCC implementation schedule in these regions. However, the extent of the impact on the implementation schedule cannot yet be quantified. The Joint LLCs are currently evaluating the extent of the impact of the Perot proposal as well as other options which could potentially minimize the impact on the implementation schedule. This evaluation, while proceeding rapidly, requires additional time and effort by the Joint LLCs and cannot be concluded by the current Phase 1 MSA waiver filing deadline of January 30, 1998.

The Joint LLCs believe the Commission and those industry members who have not had direct, day-to-day contact with the development of the NPAC would benefit from a summary of the events which have led the Joint LLCs to make this request. In providing this summary, the Joint LLCs hope to accomplish two objectives. Our first aim is to comply with the Commission's directive to demonstrate the extraordinary circumstances beyond the control of carriers in the Atlanta and Los Angeles MSAs that leave them unable to comply with the LNP implementation schedule, including "a detailed explanation of the activities...undertaken to meet the implementation schedule prior to requesting an extension of time."<sup>7</sup> Secondly, we expect that this summary will demonstrate, and we would like to underscore, the remarkable level of cooperation among LLC members, including incumbent and new competitive carriers, who have worked diligently to bring the NPAC project back on track. Indeed, while retaining their separate and autonomous corporate structures for administrative and voting purposes, the Joint LLCs have functioned essentially as a single

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<sup>6</sup> "Turn-Up Testing" as used in the Perot Amended Contracts (§ 8.4.5) involves three separate Phases. Phase 1 of Turn-Up Testing is consistent with the description of "Turn-up Testing" as used in the NPAC System and Center Readiness LLC Reports to NANC. Phases 2 and 3 of Turn-Up Testing essentially equate to the description of "SP to SP NPAC Testing" as that term is used in the NPAC System and Center Readiness LLC Reports to NANC. Phase 3, which includes stress testing, performance data, and disaster recovery, has never officially begun with Perot, in part because of the unresolved Problem Reports remaining from Phases 1 and 2 test results. The latest NPAC System and Center Readiness LLC Report to NANC is attached hereto.

<sup>7</sup> LNP Reconsideration Order, ¶ 82.

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entity in coordinating activities among themselves and communications with Perot.<sup>8</sup>

As the Commission is aware, three LLCs separately selected Perot as the LNPA to provide NPAC/SMS services to their regions. Perot's selection in these regions was subsequently endorsed by NANC and approved by the Commission.<sup>9</sup>

Under the initial Master Contracts with each of the three LLCs, Perot was to provide NPAC/SMS services by October 1, 1997. As Turn-Up Testing was underway last summer, however, it became apparent that Perot and its subcontractor Nortel had not provided a stable software and hardware platform for testing, and by early September, 1997, it was clear that Perot could not meet the October 1, 1997 contract date.

Consequently, the LLCs redoubled their efforts to meet the Commission-mandated implementation date for Phase 1 MSAs. During September and October, the LLCs met collectively and repeatedly with Perot and Nortel to negotiate Amended Master Contracts that provided for a remarkable degree of industry cooperation. The Amended Contracts provided for testing on a six-days-per-week, 16-hours-per-day schedule, acknowledged the testing experience of NPAC Users (i.e., Service Providers) within a region who would subsequently test in another region, and established "staggered" testing start dates for so-called Group A, B and C Users in the three Phases of Turn-up Testing.<sup>10</sup> These Amended Contracts with Perot, effective October 22, 1997, called for Perot to meet the criteria for delivery of NPAC/SMS services by a new "Performance Date" expected to be no later than December 15, 1997.<sup>11</sup> It was expected that NPAC delivery by December 15, 1997 would still allow sufficient time to meet the Commission's Phase 1 MSA deadline. The Amended Contracts also substantially raised the penalties, in the form of Delay Credits, for which Perot would be liable for failing to meet significant testing milestones and failing to fulfill the Performance Date criteria by December 15, 1997. In addition, the

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<sup>8</sup> This cooperation in regard to NPAC delays has been displayed by the members of all three LLCs in the affected regions: West Coast Portability Services, LLC, Southeast Number Portability Administration Company, LLC and Western Region Telephone Number Portability, LLC.

<sup>9</sup> Second Report and Order, *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, Released August 18, 1997, ¶¶ 25-33.

<sup>10</sup> Group A Users were MCI and US West; Group B Users were AT&T, BellSouth, Illuminet and Sprint; Group C Users were GTE and Pacific Bell.

<sup>11</sup> Under the Amended Contracts, "Performance Date" is a defined term, i.e., the date by which Perot makes available an NPAC/SMS which complies fully with specifications and successfully passes Test Cases with a specified minimal number of defects present on that date.

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Amended Contracts expanded the LLCs' rights to terminate arrangements with Perot.

In addition, as part of expanded LLC oversight demanded by the LLCs during contract renegotiations, the LLCs arranged and paid for a comprehensive audit of Perot/Nortel's management of the NPAC project. That audit was conducted by subject matter experts from LLC members and Sente Corporation at Nortel's facilities in Rochester, NY on November 3-4, 1997.<sup>12</sup>

Regrettably, the revamped testing schedule and staggered testing milestones for Group A, B and C Users did not bring about the anticipated level of improvements to the Perot/Nortel platform. A high number of significant Problem Reports (PRs) were identified by the Service Providers, and as December 15 loomed, it was clear that Perot would miss its contractual commitment again. On December 5, 1997, the LLCs sent Perot a letter outlining our concerns with NPAC timing and quality, asking Perot to acknowledge any inability to meet the Performance Date criteria by December 15, 1997 and provide a revised schedule. On December 10, 1997, Perot provided its first view of a plan to improve the quality of its NPAC software; that plan called for the NPAC to be available for intercompany testing in March, 1998. That plan was further discussed by the LLCs during a cross-regional meeting on December 11, 1997; Ms. Bonnie Baca, Co-chair of the Technical and Operational Requirements Task Force of the NANC LNPA Working Group, was invited to participate in that discussion via conference call. On December 15, 1997, the LLCs sent Perot a second letter, notifying Perot that its December 10 proposal did not conform with the delivery schedule and specifications in the Amended Contract. The LLCs also provided NANC a brief written status report for distribution at the December 16, 1997 NANC meeting.<sup>13</sup>

The LLCs also arranged for a meeting with Perot and Nortel executives to discuss the Sente Corporation audit findings and Perot's recovery plan. Before that meeting could take place, on December 19, 1997 Perot responded to the LLCs' letters, and on December 23, 1997 Perot released another project plan (revised somewhat again on December 30, 1997) which slipped the Performance Date even further. The December 30 plan calls for six additional software loads (Loads A through F) to be released for SP to SP NPAC Testing through July 6, 1998. The LLCs met with Perot and Nortel in Denver on January 8, 1998 for a frank discussion of the assumptions built into the "July delivery plan." Mr. Alan Hasselwander, NANC Chairman was present at the Denver meeting, and Ms.

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<sup>12</sup> The LLCs would be willing to make the Sente Audit Report available to the Commission or its staff under protective seal upon request.

<sup>13</sup> Copies of the December 5 and December 15 LLC letters to Perot, the December 16 LLC Status Report to NANC, and the December 19 Perot reply to the LLCs are attached.

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Marian Gordon, the Commission's delegate to NANC, participated via teleconference bridge.<sup>14</sup>

As a further outcome of the January 8 Denver meeting, the LLCs arranged for a System Architecture Review of the Perot/Nortel NPAC architecture, which took place in Nortel's Rochester facility on January 15-16, 1998.

As the foregoing "docudrama" indicates, the LLCs have been diligently working for the earliest possible delivery of NPAC/SMS services, while Perot's commitments to deliver have continued to slip, most significantly between December 10 and December 30. Users are continuing their testing of Perot/Nortel's current software, Load 71E. We are continuing our dialogue within the LLCs and with Perot at every level, including discussing the situation with Perot's Chairman, Mr. Ross Perot, who graciously asked to speak with the LLCs at a meeting in Dallas on January 20, 1998 and committed to personally explore alternatives which might potentially accelerate Perot's NPAC deployment.

Moreover, in a commitment to make LNP available at the earliest possible date, the LLCs have been considering the possibility of engaging the services of another NPAC/SMS vendor if the LLCs ultimately determine Perot cannot satisfy its obligations. The LLCs have asked for and are currently evaluating a high level estimate of time and costs for transition to the services of that vendor. In so doing, the LLCs have not and are not committing to establish a contractual relationship with that vendor.<sup>15</sup>

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<sup>14</sup> Copies of the Perot/Nortel presentation materials from the January 8 meeting were provided to Mr. Hasselwander and Ms. Gordon, and additional copies can be provided to the Commission or its staff upon request to the LLCs.

<sup>15</sup> As the Commission is aware, currently the only other NPAC/SMS vendor is Lockheed Martin IMS. Some Joint LLC members are concerned about establishing Lockheed Martin IMS as a monopoly provider of NPAC services, in addition to Lockheed's role as the successor to Bellcore and regional incumbent LECs as North American Numbering Plan Administrator (NANPA) and CO Code Administrators, respectively. The Joint LLCs believe, consistent with ¶ 38 of the Second Report and Order, there is no Commission requirement for two or more NPAC vendors, although a duopoly may be preferable to a single vendor environment.

In addition, there has been some concern about how quickly the LLCs could change the current LNPA, if such a change becomes warranted. The Joint LLCs note that such a change in Commission approval of an LNPA is contemplated in ¶ 33 of the Second Report and Order. The Joint LLCs seek assurance that, if a vendor change becomes necessary to allow the timely availability of LNP in the affected regions, any regulatory or administrative action deemed necessary by the Commission to change the LNPA associated with specific regions under the Second Report and Order would occur without delay.

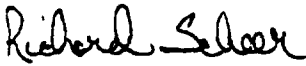

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Clearly, the Joint LLCs are at a critical juncture in the LNP implementation process. All Joint LLC members agree that LNP will not be timely deployed in the Atlanta and Los Angeles MSAs due to Perot's delay. However, the extent of the delay is unclear at present. Due to the evolving status of our negotiations with Perot as well as the possibility of an agreement with another LNPA, any waiver request related to NPAC availability that is filed before the end of February would necessarily be based largely on speculation and conjecture. That is so because ongoing efforts to resolve the issues flowing from Perot's delay will not progress to the point where carriers will know the amount of time beyond March 31 (or any other MSA implementation date) that will be needed to meet the Commission's deployment deadlines. With the extension, however, the Joint LLCs will have the time necessary to gather more information on whether Perot will remain the LNPA for the affected regions, and thus, will be in a better position to meet the Commission's requirement to provide "substantial, credible evidence" of the "extraordinary circumstances" giving rise to a waiver request.

As previously stated, if granted, this extension of time would in no way affect each carrier's obligation to have its own network prepared to deploy LNP within the Phase 1 MSAs by March 31, 1998, in compliance with the Commission's schedule. Waiver requests for carriers' specific switches in Phase 1 MSAs must be filed by the current deadline of January 30, 1998.

For these reasons, the Joint LLCs respectfully request that the Commission change the period of time during which an NPAC-related waiver for the Atlanta and Los Angeles MSAs may be requested from sixty days prior to the LNP implementation deadline (January 30, 1998), to thirty days prior to the LNP implementation deadline, or March 1, 1998.

Respectfully submitted,

  
Richard Scheer, Chair   
West Coast Portability Services, LLC

  
Pamela Connell, President   
Southeast Region Number Portability Administration Company, LLC

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cc: **Mr. John Muleta**  
**Ms. Geraldine Matise**  
**Ms. Marian Gordon**  
**Ms. Jeannie Grimes**  
**Mr. Andre Rausch**  
**Mr. Patrick Forester**  
**Mr. John M. Leutza, California Public Utilities Commission**  
**Ms. Risa Hernandez, California Public Utilities Commission**  
**Mr. Ken Ellison, Georgia Public Service Commission**  
**Mr. John Bavis, Perot Systems Corporation**

**Attachments:**

- A. Text of December 5, 1997 LLC Letter to Perot**
- B. Text of December 15, 1997 LLC Letter to Perot**
- C. December 16, 1997 LLC Status Report to NANC**
- D. Text of December 19, 1997 Perot Letter to LLCs**
- E. January 20, 1998 NPAC System and Center Readiness LLC Reports to NANC**

**Attachment A: Text of December 5, 1997 LLC Letter to Perot  
Page 1 of 3**

December 5, 1997

Via Facsimile, Email, and Overnight Delivery

John Bavis  
Perot Systems Corporation  
1801 Robert Fulton Drive, Suite 200  
Reston, VA 20191

Dear John:

We are writing to you on a joint, three-region basis to recap some recent timing and quality issues associated with Users' turn-up testing of the Perot NPAC/SMS. It is our understanding that you are getting accurate reports of that testing from Perot and Nortel personnel. However, we thought it best to write to you directly as well, because it is clear at this point that the NPAC/SMS is not being made available by Perot for testing on the schedule for the phases of turn-up testing specified in the renegotiated contracts for the three regions, nor is the NPAC/SMS software free of defects at the minimum level and at the milestone dates specified in those contracts.

Under the renegotiated contracts, the two Group A testers (MCI and US West) were scheduled to begin Phase 2 turn-up testing on November 10th. That Phase 2 starting date had as a predicate the successful completion by the Group A testers of all Phase 1 test cases, and the successful completion of product validation testing by Perot, no later than November 9th. We recognize that the NPAC/SMS software currently being tested by Users is significantly improved over the version that Users were testing in the summer (which was to be expected, since one of the primary reasons for delaying the testing and scheduled commercial availability of the NPAC/SMS was to give Perot and Nortel time to fix the numerous problems present with the earlier software load). However, as of November 11th, the NPAC/SMS software had 8 open PRs (5 PRs for MCI, and 5 PRs for US West, with 2 duplicates) remaining from the Phase 1 testing. In addition, Perot's Phase 2 product validation testing yielded at least two new PRs, and some Phase 2 test cases could not be run at all on Perot's product validation testing platform.

As you are aware, MCI and US West nevertheless agreed to move forward into Phase 2 testing, despite these deficiencies. Group B and Group C testers experienced similar problems, and yet also agreed to proceed into Phase 2 testing. All these Users have done so in order to spare no effort to keep the turn-up testing on track, so that the testing can be successfully completed, and the NPAC/SMS can be delivered as scheduled on December 15, 1997.



**Attachment A: Text of December 5, 1997 LLC Letter to Perot  
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The turn-up testing reached another important milestone date earlier this week, when the Group A, B, and C testers were all supposed to be able to move into Phase 3 testing, pursuant to the renegotiated contract. That movement did not occur. As of the date of this letter, Perot has not yet completed the Phase 3 product validation tests successfully, nor has it delivered the required documentation associated with Phase 3 testing, including product validation test results, the Phase 3 general software release documentation, or the Phase 3 User test plan and test scripts. Moreover, there are over 90 open PRs remaining from Phase 1 and 2 testing by the Group A, B, and C testers.

Faced with this level of noncompliance, the Group A, B, and C testers have not been willing to proceed to Phase 3 testing. We understand that Perot hopes to complete product validation testing late today; that the new software release scheduled for loading on Sunday, December 7th is expected to fix 20 of the open PRs; and that Perot would like the Group A, B, and C testers to begin Phase 3 testing on Monday, December 8th.

As we have done throughout the contract renegotiation and testing process, we will continue to cooperate and to seek the most efficient and effective means to bring the NPAC/SMS to commercial availability at the earliest possible date. By doing so, however, we have not and do not waive any rights or remedies we may possess under the renegotiated contract, including the right to receive delay credits from and after missed milestone dates.

We urge you to redouble Perot's and Nortel's efforts, and to get the testing back on track, in order to allow us to complete the turn-up testing successfully, so that the NPAC/SMS can be made commercially available on or before December 15, 1997. If you believe, either now or at any time prior to December 15th, that the December 15th commercial availability date is unrealistic or infeasible, please (1) immediately notify the Chair/President and the Project Executive of each region of that belief in writing, and (2) provide Perot's best written estimate of a revised schedule with which Perot and Nortel can comply. Please also provide, no later than Wednesday, December 10th, a written schedule showing when each of the open PRs will be fixed, based on Perot's and Nortel's best current information and judgment.

Sincerely yours,

**(signed)**

Stephen P. Bowen

On Behalf of the Chairs/Presidents of:  
West Coast Portability Services, LLC